

JPW



Docket No.: 050195-0521

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
KAMIJO, MOTOHISA	:	Confirmation Number: 8713
Application No.: 10/733,369	:	Group Art Unit: 3749
Filed: December 12, 2003	:	Examiner: GRAVINI, Stephen Michael
For: STARTUP COMBUSTOR	:	

**PETITION TO RESET THE PERIOD FOR REPLY**  
**UNDER MPEP § 710.06**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the period for reply to the Office Action dated May 25, 2005, now due to expire August 25, 2005, be reset to commence from the date of receipt, August 26, 2005, of the Office Action at the correspondence address. Pursuant to MPEP § 710.06, Applicant complies with each of the following items:

1. This petition is hereby filed within two (2) weeks from the date of receipt August 26, 2005, of the Office Action at the correspondence address.
2. A substantial portion, thirteen (13) weeks, from the Office Action mail date May 25, 2005 to the receipt date August 26, 2005 of the three (3) month statutory period for reply, has elapsed.
3. The Office Action was discovered during a status check of the application on PAIR on August 26, 2005. We have not received the original Office Action by mail.

4. Enclosed is a copy of the Office Action, a docket sheet for this application showing the receipt of the Office Action on August 26, 2005, a copy of the our daily docket report for August 25, 2005, a copy of the undersigned secretary's personal log book for August 25, 2005, and a printout of the PAIR screen dated August 26, 2005, for this application. The daily docket report and the log book do not show an entry for Application Serial No. 10/733,369. We date all correspondence received from the United States Patent and Trademark Office (USPTO) in normal course of business to accurately reflect the date correspondence is received by our office. In addition, each secretary maintains a log book in which the response due date for Office Actions are entered. The secretary's log book for August 25, 2005 is blank because the undersigned had no known responses due at the USPTO on this date.

5. Our docket number for this application was converted from 50943-023 to 50195-521 on June 23, 2005. Please note that there is no entry in either the daily docket report or the secretary's log book for either 509043-023 or 50195-521 on August 25, 2005.

Applicant has met the requirements under MPEP § 710.06 to reset the period for reply. Please reset the three (3) month statutory period for response to commence from the date of receipt of the Office Action, August 26, 2005.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd

Registration No. 46,429

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 BPC:kap  
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**Date: September 8, 2005**

**Please recognize our Customer No. 20277  
as our correspondence address.**

B. Cold

**RUSH**

**Actions Due**

Friday, August 26, 2005

Page: 1

Client-Matter: 050195-0521

Family Number: 050195-0521

Sub Matter:

Country: US United States of America

SubCase:

Client Ref. #: CT02-002

Case Type: ORD

Responsible Atty.: JAH

Assigned Atty.: BPC

Paralegal:

Resp. Office: WDC

Status : Published

Filing Date: 12-Dec-2003

Action Type: WDC-US-Final Office Action

Base Date: 25-May-2005

Application #: 10/733,369

Response sent date:

Action(s) Due	Due Date	Indicator	Taken	LP
APPEAL/RESPONSE 1 MTH	25-Jul-2005	Reminder	26-Aug-2005	
APPEAL/RESPONSE DUE	25-Aug-2005	Due Date	26-Aug-2005	
✓ APPEAL/RESPONSE DUE - 1 EXT	25-Sep-2005	Due Date		
APPEAL/RESPONSE DUE - 2 EXT	25-Oct-2005	Due Date		
NON-EXTBL. APPEAL DUE 2 WKS	11-Nov-2005	Reminder		
NON-EXTBL. APPEAL DUE	25-Nov-2005	Final		

**Remarks:**

FOA DTD 5/25/05 RECD 8/26/06 (PRINTED FROM PAIR AS OA NOT RECD BY MAIL)

Date Created: 26-Aug-2005

Last Update: 26-Aug-2005

Created By: dirogers

User ID: dirogers



**USH**

# Country Application

Friday, August 26, 2005

Page: 1

Client-Matter: 050195-0521

Country: US

United States of America

Family Number: 050195-0521

SubCase:

Client: MIYOSHI & MIYOSHI INTERNATIONAL

Family Name: 050195-0521

Sub Matter:

Group Art No.: 3749

Client Reference #: CT02-002

Responsible Atty.: JAH

Assigned Atty.: BPC

Paralegal:

Other MWE Office Contact:

Case Type: ORD

Application Status: Published

Application Number: 10/733,369

Filing Date: 12-Dec-2003

Publication Number: 2005-0130085

Publication Date: 16-Jun-2005

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation #: 8713

Patent Term Adjustment: 0

Owner: NISTEC

Owner Reference #:

NISSAN TECHNICAL CENTER N.A. INC.

Agent: US021

Agent Reference #:

MIYOSHI & MIYOSHI

App.Title: STARTUP COMBUSTOR

Family Reference:

## Country Application

Friday, August 26, 2005

Page: 2

Client-Matter: 050195-0521

Country: US

United States of America

Family Number: 050195-0521

SubCase:

### List Of Actions

Action(s) Due	Due Date	Action Taken	LP
FRWD ASSIGN FORM FOR EXEC'N	26-Aug-2005	Reminder	
APPEAL/RESPONSE DUE - 1 EXT	25-Sep-2005	Due Date	
APPEAL/RESPONSE DUE - 2 EXT	25-Oct-2005	Due Date	
NON-EXTBL. APPEAL DUE 2 WKS	11-Nov-2005	Reminder	
NON-EXTBL. APPEAL DUE	25-Nov-2005	Final	

Remarks: \*\*\*\*OLD CLT NO: 50943-023\*\*\*\*NEW UTIL APPLN, 20PP SPEC, CLMS, ABST, 10PP FOR DRWGS, DECL/POWER, ASSIGN/1595, IDS/1449 (4 REF'S), \$810, F. 12/12/03 -- F/R RECV'D 3/22/04 -- REC ASSIGN RECD 7/6/04 -- 3-MO OA DTD 8/18/04 -- NEW 3-MO OA DTD 9/27/04 RECD 9/29/04\*\*\*\*CLT TO FILE FOR APPLN'S PER BPC 12/12/04 DKT\*\*\*\* -- REQ FOR RECONSIDERATION, REQ 2 MO EOT, \$ 450, F. 2/28/05 -- NOT OF PUB OF APPLN RECD 6/27/05 -- FOA DTD 5/25/05 RECD 8/26/06 (PRINTED FROM PAIR AS OA NOT RECD BY MAIL)

Created By: dfarrell

User ID: dirogers

Date Created: 28-Jul-2003

Last Update: 26-Aug-2005



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,369	12/12/2003	Motohisa Kamijo	50943-023	8713

7590 05/25/2005  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT PAPER NUMBER

3749

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/733,369

Examiner

Stephen Gravini

Applicant(s)

KAMIJO, MOTOHISA

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-2, 5-6, 8-10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in view of Numata (Japan Pat. Abstract 2002-012406, prior art by applicant).

Takeda discloses the invention substantially as claimed. However, Takeda does not disclose a filter. Numata teaches the use of a honeycomb filter (32) for the purpose of preventing a substantial portion of any soot contained in the air or fuel or any non-gaseous particles that may be formed during the combustion of fuel from passing through the filter so as to minimize the adverse effect of soot. Numata further teaches the use of a controller for the purpose of regenerating the filter by burning the fuel in the combustor at a leaner air-fuel mixture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the startup combustor of Takeda with a filter and a controller such as taught by Numata in order to minimize the adverse effect of soot.

#### ***Claim Objections***

Claims 3-4, 7, 11-12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Response to Arguments***

Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive.

Applicant argues that no motivation exists for combining the secondary reference with the primary reference in order to obviate the claimed invention. The motivation is considered to exist under the problem to be solved section of that reference. In this application, the claimed filter is either within the chamber, which is capable of preventing a substantial portion of any soot contained in the air or fuel or which can develop from combusting the fuel with the ignition source from passing through the filter or passing the combusted gas through a filter to collect any soot onto the filter; and when a predetermined amount of soot has collected on the filter, regenerating the filter by introducing an excess air ratio of about 1.5 to about 2.8 for a set period of time to oxidize the collected soot on the filter. The problem to be solved by secondary reference Numata includes improved reforming efficiency and reduction in size by collecting soot in a raw gas and removing it. This reforming efficiency and soot size reduction inherently performs the argued filter features because in both cases a filter is used to remove soot and regeneration occurs through the expressly disclosed reforming efficiency since the disclosed honeycomb filter allows reforming catalyst in a set period of time, as claimed. The disclosed reformed gas containing hydrogen and carbon monoxide is considered to satisfy the claimed excess ratio since stoichiometrically those elements are the appropriate ratios for excess air ratio for combustion reforming or regeneration.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG  
May 23, 2005

*Steph Gravin*

Wednesday, August 24, 2005

# Patent Due Date List By Attorney

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25-Aug-2005 To 25-Aug-2005

Assigned/Attorney: BPG Bernard E. Codd

Due Date Indicator	Action Due Action Type	Family Number/SubCase	Matter	Status Client	App Number Pat/Reg	App Date Iss/Reg	Other Attys
25-Aug-2005 Reminder	EXPECTED PUBLICATION DATE WDC-EXPECTED PUBLICATION DATE	050195-0289 / A001 United States of America	0488 MIYOSHI & MIYOSHI INTERNATIONAL	Pending	11/088,892	25-Mar-2005	JAH
Resp. Off.: WDC	Base Date: 25-Aug-2005	Title: SOLID OXIDE FUEL CELL					LP: JAH
25-Aug-2005 Reminder	REQUEST FOR EXAM 6 MOS WDC-REQUEST FOR EXAMINATION	050340-0112 Brazil	0169 GOTOH & PARTNERS	Pending	PI0308072-2	25-Feb-2003	JAH
Resp. Off.: WDC	Base Date: 25-Feb-2006	Title: FUEL CELL SYSTEM, AND METHOD OF PROTECTING A FUEL CELL FROM FREEZING					LP: FOR
Remarks: F.A. WANT AUTHORIZATION BY 11/25/05 RE: REVISIONS TO TEXT BEING FILED W/REQ FOR EXAM PER FAX RECD 8/9/05							
25-Aug-2005 Reminder	C/U - DEFERRED EXAM 6 MOS Deferred Exam	050340-0112 Japan	0166 GOTOH & PARTNERS	Pending	P2004-572124	25-Feb-2003	JAH
Resp. Off.: WDC	Base Date: 25-Feb-2003	Title: FUEL CELL SYSTEM, AND METHOD OF PROTECTING A FUEL CELL FROM FREEZING					LP: FOR
25-Aug-2005 Reminder	CORRECTED FILING RECEIPT YET? WDC-CORRECTED FILING RECEIPT Y	050464-0021 United States of America	0021 KAJIHARA PATENT OFFICE	Published	10/221,869	17-Sep-2002	SAB
Resp. Off.: WDC	Base Date: 03-Feb-2003	Title: GRANULAR MAGNETIC THIN FILM AND METHOD FOR MAKING THE SAME, MULTILAYERED MAGNETIC FILM, MAGNETIC COMPONENTS AND ELECTRONIC EQUIPMENT					LP: APP
Remarks: REQ FOR CORR F/R, MARKED-UP F/R, \$0, F. 2/3/03 -- 2ND REQ FOR CORR F/R F. 08/01/03; 3RD REQ FOR CORR F/R W/DEC/POA & RECORDATION OF ASSIGNM F. 3/29/05							
25-Aug-2005 Reminder	CONDUCT INTERVIEW W/EXAM'R US-3 Month Office Action	060188-0587 United States of America	0587 MAEDA PATENT OFFICE (MATSUSHITA)	Published	10/641,042	15-Aug-2003	MEF
Resp. Off.: WDC	Base Date: 01-Jun-2005	Title: PATTERN FORMATION MATERIAL, WATER-SOLUBLE MATERIAL AND PATTERN FORMATION METHOD					LP: MEF

EXP. Intv. Scheduled  
8/12/05

Remarks: 3 MO OA DTD 6/1/05 RECD 6/3/05 -- PROPOSED RESPONSE SENT TO CLT 8/16/05 -- FAX LTR DTD 8/18/05 FROM CLT W/INSTR TO CONDUCT INTERVIEW W/EXAM'R RECD 8/18/05

Exptv. scheduled for mon 8/29

Remarks: 3 MO OA DTD 6/1/05 RECD 6/3/05 -- PROPOSED RESPONSE SENT TO CLT 8/16/05 -- FAX LTR DTD 8/18/05 FROM CLT WINSTR TO CONDUCT INTERVIEW W/EXAM'R RECD 8/18/05

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THURSDAY

25

AUGUST

th day - 129 days follow

2005 237th day - 128 days follow

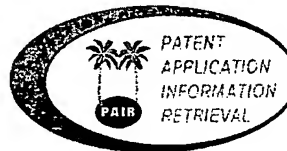
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## PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 8-26-2005::12:6:59 E.T.

Search results for application number: 10/733,369			
Application Number:	10/733,369	Customer Number:	-
Filing or 371(c) Date:	12-12-2003	Status:	Final Rejection Mailed
Application Type:	Utility	Status Date:	05-25-2005
Examiner Name:	GRAVINI, STEPHEN MICHAEL	Location:	ELECTRONIC
Group Art Unit:	3749	Location Date:	-
Confirmation Number:	8713	Earliest Publication No:	US 2005-0130085 A1
Attorney Docket Number:	50943-023 / 50195-521	Earliest Publication Date:	06-16-2005
Class/ Sub-Class:	431/006	Patent Number:	-
First Named Inventor:	Motohisa Kamijo, Kanagawa, (JP)	Issue Date of Patent:	-
Title Of Invention:	Startup combustor for a fuel cell		

## Search Options

☐ Image File Wrapper  
☐ Published Documents

File History	
Date	Contents Description
★ 05-25-2005	Mail Final Rejection (PTOL - 326)
05-24-2005	Final Rejection
05-19-2005	Case Docketed to Examiner in GAU
03-11-2005	Date Forwarded to Examiner
★ 02-28-2005	Response after Non-Final Action
02-28-2005	Request for Extension of Time - Granted
09-27-2004	Mail Notice of Restarted Response Period
09-20-2004	Letter Restarting Period for Response (i.e. Letter re: References)
08-18-2004	Mail Non-Final Rejection
08-17-2004	Non-Final Rejection
04-13-2004	IFW TSS Processing by Tech Center Complete
04-13-2004	Case Docketed to Examiner in GAU
12-12-2003	Request for Foreign Priority (Priority Papers May Be Included)
12-12-2003	Reference capture on IDS

12-12-2003	Information Disclosure Statement (IDS) Filed
03-18-2004	Application Return from OIPE
03-18-2004	Application Return TO OIPE
03-18-2004	Application Return from OIPE
03-19-2004	Application Is Now Complete
03-18-2004	Application Return TO OIPE
03-17-2004	Application Dispatched from OIPE
03-18-2004	Application Is Now Complete
02-17-2004	Cleared by OIPE CSR
12-29-2003	IFW Scan & PACR Auto Security Review
12-12-2003	Initial Exam Team nn